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August 6, 2020

Via ECF

MEMO ENDORSED

The Honorable Sarah Netburn
United States District Court
for the Southern District of New York
40 Foley Square, Courtroom 219
New York, NY 10007

Re: *Tucker v. Express, Inc.*, 19-cv-9840-ER-SN

Dear Judge Netburn:

We represent Defendant Express, Inc. in the above-referenced action. We write jointly with counsel for Plaintiff Henry Tucker, pursuant to the Court's Individual Rules of Practice in Civil Cases, respectfully to request that the Court stay all deadlines in this case pending the resolution of a consolidated appeal of decisions granting motions to dismiss in related cases, which is currently pending before the Second Circuit under the caption *Calcano v. Swarovski North America*, No. 20-1552 (the "Consolidated Appeal"). The Second Circuit's decision on the Consolidated Appeal will have an impact on this litigation, including on the scope of discovery, and may resolve the litigation in its entirety. Several other courts in this district have issued similar stays. *See, e.g.*, Order dated July 15, 2020 in *Calcano v. Gamestop*, 19-cv-9814-ALC (Dkt. No. 28); Order dated July 13, 2020 in *Lopez v. Blazin Wings*, 19-cv-10075-RA (Dkt. No. 32). Accordingly, counsel for the parties submit that staying this matter pending resolution of the Consolidated Appeal will preserve both the Court's and the parties' resources. This is the parties' first request to stay this case.

We thank the Court for its consideration of this request.

Respectfully submitted,

/s/ Michael F. Fleming

Michael F. Fleming

Attorney for Defendant

cc: All Counsel of Record

The request to stay all proceedings in this case is granted. The parties are directed to submit a joint status report within 48 hours of the Second Circuit Court of Appeals' decision. SO ORDERED.



Edgardo Ramos, U.S.D.J

Dated: August 7, 2020

New York, New York

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